

NOVEMBER 4, 2009

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:43 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

PUBLIC COMMENT

Christiana Hayashi, Deputy Director for Taxi, commended Sergeant Ron Reynolds of the SFPD Taxi Detail and discussed funding for staffing of the Taxi Detail.

Doug Mylar, Santa Rosa private investigator, discussed violent crimes against children.

Ted Gunderson, retired FBI Los Angeles, discussed violent crimes against children nationally.

Christine Harris, York Street, discussed concerns regarding electro magnetic weapons and organized stalking.

Unidentified SF resident discussed concerns regarding satellite monitoring.

Barry Cargole, President SF Cab Drivers' Association, discussed concerns regarding illegal taxicabs and illegal town cars and discussed staffing of the Taxi Detail.

Julian Hill, OFJ President, discussed concerns regarding transparency with the department in regards to appointments and promotions and discussed a succession plan and recruitment of African-Americans.

Austin Peterson, SF Cab Drivers Association, discussed concerns regarding illegal taxicabs.

Greg Richardson discussed recruitment of African-American officers and discussed community policing.

Arlene George Drummer, 127th recruit class, discussed concerns regarding doing the right thing when it comes to promotions and appointments.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation regarding the Department's Response to and Investigation of Elder Abuse Cases**

Chief Gascón discussed the second Compstat meeting that was held today at the Scottish Rite Auditorium. The Chief also discussed incidents during Halloween, the reorganization, and promotions made this week.

Commissioner Lee asked about gender, race of individuals in different ranks. Chief Gascón presented a spreadsheet showing gender and race percentages, and rank of officers in the department and the same information for individuals promoted. Commissioner Lee asked that the number of percentage of eligibility be added to the statistics. Chief Gascón stated that he had asked the Director of Human Resources to put together a work group of experts to look at the entire promotional process and try to identify the areas that can be improved upon. The Chief stated that the goal is to have a different testing process for the next test which is the captains' exam on October 2010.

Captain Ehrlich presented the Department's response to investigation of elder abuse cases.

Commissioner Lee asked why the Department does not have a dedicated unit for elder abuse. Captain Ehrlich stated that the Department is looking into that matter with the reorganization of the Department.

Ms. Beverly Upton, Domestic Violence Consortium, stated that they are proud of the SFPD for the work done in the area of domestic violence.

Ms. Mary Toomey, Co-director UC Irvine's Center of Excellence on Elder Abuse & Neglect, talked about the growing number of elders and how vulnerable they are to economic crimes, physical crimes, sexual crimes, and neglect. Ms. Toomey stated that nationally about 15 million people are victims of elder abuse, 200,000 in California, and in San Francisco about 6,000 reports of elder abuse are investigated by the Adult Protective Services every year. She stated that staffing and training for police officers are needed and stated that a stand-alone elder abuse unit needs to be established.

Commissioner Mazzucco asked Ms. Toomey if she feels that the SFPD is adequately able to serve and investigate cases of elder abuse. Ms. Toomey stated that no because a lot of elder abuse cases are complex and requires special training, a special sensitivity and requires a lot of collaboration between city agencies.

Commissioner Mazzucco asked what training is provided to the officers in regards to elder abuse cases. Captain Ehrlich stated that there was department bulletin issued in regards to what to look for and the signs to look for in regards to elder abuse. Ms. Toomey also stated that the only requirement by POST is two hours at the academy for training on elder abuse.

Commissioner Pan asked how is the problem defined as to someone randomly mugged outside of his/her home versus a case of elder abuse or a financial scam versus someone who has access to the elder's financial records. Ms. Toomey stated that most elder abuse comes out of a relationship of trust and that 90 percent of elder abuse is perpetrated by family.

Ms. Kathy Black, Executive Director Casa de las Madres, talked about a federal grant and stated that in order to benefit from the grant staffing levels have to be sustained and have a unit that can be responsive and participate in the projects.

Ms. Erica Falk, Institute on Aging, in regards to Commissioner Marshall's question as to why he does not hear about elder abuse, stated that elder abuse is a new concept and stated that the victims are elders who were independent, do not like to complain, and when the abusers are family members, the victim will surely not turn in their sons or daughters. Another reason is dementia where the victim may not realize that a crime has been committed against them and they cannot report. Ms. Falk also stated that often cases have more than one thing going on and that these crimes are complex and takes a lot of finesse to investigate.

Ms. Julie Peck, Management Adult Protective Services ("APS") of CCSF, stated that APS is the public sector program that both receives and investigates reports of mandated elder and dependant adult abuse. Elder and dependant adult abuse include physical abuse, financial abuse, abandonment, abduction, isolation, neglect of others, and self neglect. Ms. Peck stated that from July 2009 through September 2009, APS received 6,958 reports of abuse and of this number 3,546 reports were cross reported to the SFPD; 51 percent of the reports involved a perpetrator and were cross reported to SFPD. She stated that a standalone Elder Abuse Unit in SFPD will bring a much needed centralized focus to crimes against the elderly and would benefit the victims.

Mr. Prescott Cole, Sr. Staff Attorney with California Advocates for Nursing Home Reform, talked about statistics and aging and financial abuse. He also talked about having a standalone unit can benefit the community in making financial abuse a crime and not just a civil matter.

Commissioner Lee recommended to the Chief to put together a task

force in regards to elder abuse.

Commissioner Onek thanked the presenters for a very informative discussion.

Commissioner DeJesus supports Commissioner Lee in having the Chief put together a task force if it is feasible to have a standalone Elder Abuse Unit.

Commissioner Marshall thanked the presenters and hopes that the Chief address the problem.

Commissioner Pan thanked the Department and the presenters.

Chief Gascón stated that he thinks that this is an area that is going to continue to grow and that this is an area where there is a need to be creative and that this is an area where civilian investigators may be used. The Chief asked the advocates to work with the Department to start exploring the creation of models that would include the addition of police officers, the creation of a standalone unit and the makeup of that unit, including the use of civilian investigators.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported on cases received, mediation, and the NACOLE conference. Director Hicks stated that to date the OCC has opened 865 cases, closed 868 and sustained 42. There are 372 cases pending for 2009 and one case pending in 2008 (case was reopened for further investigation). The OCC also mediated 69 cases to date.

Director Hicks talked about the NACOLE conference that was held in Austin, Texas. Director Hicks stated that next year's conference will be in Seattle, Washington, from September 15th to September 18th.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Marshall discussed the issue of staffing for the Commission office and stated that the Chief has agreed to add one person and that a report will be distributed to the Commission.

Commissioner Onek talked about the meeting in regards to the Charter amendment to the discipline process. He stated that everyone, meaning the stakeholders, agreed that the system is broken and something needs to be changed; everyone agrees that they want a process that is fair and a process that is swift because what we have now are officers that are out while their disciplines are pending. Commissioner Onek also commented on Compstat. Commissioner Onek also announced that tomorrow the Rules Committee of the Board of Supervisors will be selecting the Commissioner to replace Commissioner Sparks.

Commissioner Pan asked about the Charter amendment to the discipline process and what is the timeline for that process. Chief Gascón stated that a written document has to be in by December 15th but there also needs to be an agreement between the stakeholders before that time.

Ms. Linda Ross, Deputy City Attorney, explained the process. She stated that the Charter amendment is introduced in mid December and then there is a series of committee hearings before it goes to the full Board. It could either go on to a vote of majority of the members of the Board but before that

there will probably be more than one hearing in front of a committee for the public to submit their input.

Commissioner DeJesus discussed concerns about the OCC and having their power taken away or limiting them in anyway because the discipline process is so important and there has to be some balance in terms of what is given to the Chief in terms of discipline.

Director Hicks stated that she did have a conversation with Chief Gascón about the role of the OCC and stated that she hopes that any proposed Charter amendment would recognize the importance of civilian oversight of law enforcement.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

- a. Commission Announcements
- Assignment of disciplinary charges filed against Patrol Special Officer Robert Burns, File No. JWA C09-220, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

RESOLUTION NO. 111-09

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST PATROL SPECIAL OFFICER ROBERT BURNS, STAR NO. 2595 (FILE NO. JWA C09-220)

WHEREAS, the assignment of a Commissioner and setting of a date for hearing on disciplinary charges filed against Patrol Special Officer Robert Burns, Star No. 2595, was called it having been set for this date; and

WHEREAS, Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Burns; therefore be it

RESOLVED, that Commissioner Joe Marshall is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Robert Burns, and is to be set at a later date.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan

- b. **Scheduling of items identified for consideration at future Commission meetings**

None

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan.
Approved 7-0.

CLOSED SESSION (8:33 p.m. to 11:09 p.m.)

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, City Attorney M. Blits, Attorney A. Worsham, Mr. Steve Johnson, & member involved)

- a. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion to Exclude all Evidence and Dismiss all Charges related to Allegations that are Barred by the Statute of Limitations filed in Disciplinary Case Nos. ALW C07-076 and ALW C09-004 (Resolution No. 112-09)**
- b. **PERSONNEL EXCEPTION: Hearing on the Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's Action as filed in Case No. ALW D09-174 (Hearing continued to December 2, 2009)**
- c. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-170 to the Chief's Level for disposition (Resolution No. 113-09)**
- d. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-023 to the Chief's Level for disposition (Resolution No. 114-09)**
- e. **PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-189 to the Chief's Level for disposition (Resolution No. 115-09)**

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner by Commissioner Mazzucco, second by Commissioner Onek for non disclosure except for item 6a. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Pan, second by Commissioner Mazzucco. Approved 6-0.

Thereafter, the meeting was adjourned at 11:12 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct